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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed October 17, 2007. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

35 U.S.C. §102 Rejection of Claims 1-5, 7-13 and 16-20

The Examiner has rejected claims 1-5, 7-13 and 16-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2005/0028208 to Ellis et al. (Ellis). Applicants respectfully traverse the rejection.

Claim 1 has been amended to further clarify Applicants' invention. Specifically, claim 1 has been amended to recite, in part: "receiving, at a control unit, a directive for a television distribution system operator to use a particular terminal under control of the system operator and remote from the subscriber equipment to monitor a particular channel within a plurality of channels transmitted from a head-end of the provider equipment to the subscriber equipment through a distribution node of the television distribution system".

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Ellis fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Ellis fails to teach or suggest at least the features of "receiving, at a control unit, a directive for a television distribution system operator to use a particular terminal under control of the system operator and remote from the subscriber equipment to monitor a particular channel," as provided in Applicants' claim 1 (emphases added).

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Instead, all that Ellis teaches is an interactive television program guide with remote access by a user of the program guide, which allows the user to adjust various program guide settings and features without being physically present in the user's home where the user's television equipment is located (e.g., Abstract, Summary of the Invention, Figs. 2a-2b, paragraphs 72, 136-137).

The Office Action cited the remote user in Ellis as being equivalent to "a system operator" of Applicants' claim 1. Applicants respectfully disagree.

Applicants submit that it is clear that the user in Ellis is a subscriber. In claim 1, the system operator refers to an operator of the television distribution system, and not a subscriber or user as taught by Ellis. Thus, Ellis' remote user is different from the system operator of claim 1.

To further clarify Applicants' invention, claim 1 now recites that the particular terminal is used by a television distribution system operator to monitor a channel transmitted to the subscriber equipment is a terminal under control of the system operator. That is, the monitoring terminal is not used by a subscriber/user to monitor the subscriber's own television equipment.

Thus, Ellis does not teach or suggest each and every one of the limitations of Applicants' invention as recited in independent claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Ellis and is patentable under 35 U.S.C. §102.

Independent claims 10 and 20 have each been amended to recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 10 and 20 are also not anticipated by Ellis and are patentable under 35 U.S.C. §102.

Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also not anticipated by Ellis and is patentable under 35 U.S.C. §102.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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Rejection under 35 U.S.C. §103 of Claims 6, 14 and 15

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of United States Patent No. 6,269,484 to Simsic (Simsic). Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of U.S. Patent No. 6,108,637 to Blumenau (Blumenau). Applicants respectfully traverse the rejections.

Claims 6, 14 and 15 depend directly from independent claims 1 and 10, respectively. For at least the reasons discussed above, Ellis fails to teach or suggest Applicants' invention as recited in claim 1 or claim 10. Furthermore, no argument has been put forth in the Office Action that the additional references supply the teaching that is missing in Ellis.

Accordingly, any attempted combination of the Ellis reference with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 6, 14 and 15 are patentable under 35 U.S.C. §103(a) over Ellis, Simsic and Blumenthal.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 1/11/08

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